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11 Counsel for Defendant EVA Airways Corporation
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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 IN RE TRANSPACIFIC PASSENGER
18 AIR TRANSPORTATION ANTITRUST
LITIGATION

19 This Document Relates to:
20 ALL ACTIONS

Case No.: 07-CV-5634-CRB

MDL No.: 1913

CLASS ACTION

**STIPULATION AND ORDER
REGARDING BRIEFING
SCHEDULE FOR EVA AIRWAYS
CORPORATION'S MOTION FOR
SUMMARY JUDGMENT RE:
FILED RATE ISSUES**

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26 At the hearing on Friday, November 22, 2013, concerning Plaintiffs' Motion to
27 Substitute Plaintiffs and Leave to Amend Class Complaint, the Court ordered
28 Defendants to file any remaining motions concerning the Filed Rate Doctrine within

1 14 days, or by December 6, 2013. See Dkt. No. 742 (Minute Entry setting filing
2 deadline). Although Defendant EVA Airways Corporation (“EVA”) is working
3 diligently to complete its motion for summary judgment regarding the filed rate
4 doctrine, one of EVA’s fact declarants is on leave on December 5, 2013 and
5 December 6, 2013. Immediately upon learning that EVA’s declarant was unavailable
6 during days that are critical for EVA to finalize its summary judgment papers, counsel
7 for EVA contacted co-lead counsel for Plaintiffs, who have agreed to a brief extension
8 of time, until December 17, 2013, for EVA to file its motion. Such an extension will
9 have only a minimal impact on the briefing schedule for the filed rate motions. *See*
10 Dkt. No. 734 (Stipulation and Order providing Plaintiffs with 60 days from the date of
11 the last-filed brief to submit responses). Plaintiffs and Defendant EVA have agreed
12 that Plaintiffs will have 60 days from the date that EVA files its motion for summary
13 judgment to depose EVA’s fact declarant(s) and to file Plaintiffs’ responses to
14 Defendants’ motions for summary judgment. This stipulated extension will not affect
15 any other pending deadlines in this action. Undersigned counsel therefore respectfully
16 requests a brief extension—until December 17, 2013—for EVA to file its motion for
17 summary judgment regarding filed rate issues and a brief extension of the fact
18 discovery cut off for the sole purpose of permitting Plaintiffs to depose EVA’s fact
19 declarant(s).

20 AGREED this 3rd day of December, 2013.

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2 By: /s/ Tammy A. Tsoumas

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22 *Co-Lead Counsel for Plaintiffs*

23 PURSUANT TO STIPULATION, IT IS SO ORDERED this 4th day of December
24 2013.

